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NOTICE

The undermentioned *Gazettes of India Extraordinary* were published up to the 31st August 1963:—

Issue No.	No. and date	Issued by	Subject
124	No. 105-ITC(PN)/63, dated 28th August, 1963 .	Ministry of International Trade.	United States AID Programme Chartering of Ocean Vessels and Embargo on certain vessels for transport of AID financed goods.
125	No. 106-ITC(PN)/63, dated 28th August, 1963 .	Do.	I.T.C. Classification of Plaster of Paris.
126	No. 107-ITC(PN)/63, dated 28th August, 1963 .	Do.	Export Promotion scheme for export of pearls, precious stones and diamonds.
127	No. 108-ITC(PN)/63, dated 29th August, 1963 .	Do.	Amendment to Appendix 23 of the Red-Book for April 1963—March 1964 Import of graphite for manufacture of pencil leads etc.
127	No. 109-ITC(PN)/63, dated 31st August, 1963 .	Do.	Ban on import of Acetic Acid under Promotion scheme—for cotton and Rayon Textiles, woollen goods etc.

N.B. : There is no material for Part I section 2.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these *Gazettes*.

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PART I—SECTION 1

**Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions
issued by the Ministries of the Government of India (other than the Ministry of Defence)
and by the Supreme Court**

**PRESIDENT'S SECRETARIAT
CORRIGENDUM**

New Delhi, the 3rd September 1963

No. 67-Pres./63.—In this Secretariat notification No. 27-pres./63, dated the 26th January, 1963, published in English and in Hindi in Part I, Section 1 of the Gazette of India dated the 23rd February, 1963, in Serial No. 5—

On page 116

- (i) For "2526460 Subedar JAGANTAPAJ LIMBU,
The Assam Rifles"

Read "26460 Subedar JAGANDHOJ LIMBU,
The Assam Rifles", and

- (ii) In line one of the citation—
For "Subedar Jagantapaj Limbu"
Read "Subedar Jagandhoj Limbu"

On page 119

- (i) For "2526460 सूबेदार जगन्तापज लिम्बू, आसाम
राइफल्स"

Read "26460 सूबेदार जगन्धोज लिम्बू, आसाम राइफल्स"

- (ii) In line one of the citation—
For "सूबेदार जगन्तापज लिम्बू"
Read "सूबेदार जगन्धोज लिम्बू".

No. 68-Pres./63.—In supersession of all previous notifications issued on the subject, the following Table with respect to the rank and precedence of the persons named therein, which has been approved by the President, is published for general information.

1. President.
2. Vice-President.
3. Prime Minister.
4. Governors and Sadr-i-Riyasat, Jammu & Kashmir, within their respective charges.
5. Ex-Presidents and ex-Governors-General.
6. Lieutenant-Governors within their respective charges.
7. Chief Justice of India.
Speaker of the Lok Sabha.
8. Cabinet Ministers of the Union.
9. Holders of the Bharat Ratna decoration.
10. Ambassadors Extraordinary and Plenipotentiary accredited to India.
High Commissioners of Commonwealth Governments in India.
11. Rulers of Indian States with a salute of 17 guns and above within their States.
12. Governors and Sadr-i-Riyasat, Jammu & Kashmir, outside their respective charges.
13. Lieutenant-Governors outside their respective charges.
14. Rulers of Indian States with a salute of 17 guns and above outside their States.
15. Chief Ministers of States.
16. Ministers of State of the Union.
Members of the Planning Commission.
Deputy Chairman Rajya Sabha.
Deputy Speaker Lok Sabha.
17. Rulers of Indian States with a salute of 15 guns or 13 guns.
18. Envoys Extraordinary and Ministers Plenipotentiary accredited to India.
19. Judges of the Supreme Court.
20. Secretary General in the Ministry of External Affairs.
Cabinet Secretary.
*Visiting Class I Ambassadors of India.
Foreign Ambassadors visiting India.
*Visiting Class I High Commissioners of India and High Commissioners of other Commonwealth countries visiting India.

21. Charge d'Affaires and acting High Commissioners *a pied* and *ad interim*.
22. Chiefs of Staff holding the rank of full General or equivalent rank.
23. Chief Justices of High Courts.
Chairmen of Legislative Councils in States.
Speakers of Legislative Assemblies in States.
Chief Commissioners of Union Territories having Council of Ministers, within their respective charges.
Chief Commissioner of Delhi within his charge.
24. Cabinet Ministers in States.
Deputy Ministers of the Union.
Attorney-General.
Comptroller and Auditor-General.
Chief Ministers of Union Territories within their respective territories.
25. Chiefs of Staff holding the rank of Lieutenant-General or equivalent rank.
26. Rulers of Indian States with a salute of 11 guns or 9 guns.
27. Chairman, Union Public Service Commission.
Chief Election Commissioner.
Ministers of State in States.
Speakers of Legislative Assemblies in Union Territories within their respective territories.
Ministers of Union Territories within their respective territories.
28. Puisne Judges of High Courts.
29. Deputy Ministers in States.
Deputy Chairmen and Deputy Speakers of State Legislatures.
Chief Commissioners of Union Territories not having Council of Ministers, within their respective charges.
30. Members of Parliament.
31. Officers of the rank of full General or equivalent rank. Secretary to the President.
Secretaries to the Government of India and Principal Private Secretary to the Prime Minister.
*Visiting Class I and Class II Ambassadors and High Commissioners of India.
Commissioner for Scheduled Castes and Scheduled Tribes.
Officiating Chief of Staff holding the rank of Major-General or equivalent rank.
Visiting Ministers Plenipotentiary of India and Foreign Ministers Plenipotentiary visiting India.
Chairman of the Railway Board.
Financial Commissioner for Railways.
Solicitor-General.
Members of the Railway Board.
Chief Commissioners having Council of Ministers, outside their respective charges.
Chief Commissioner of Delhi outside his charge.
32. Ministers of Foreign and Commonwealth Missions other than Ministers Plenipotentiary.
Officers of the rank of Lieutenant-General or equivalent rank.
Chief Ministers of Union Territories outside their respective territories.
33. Additional Secretaries to the Government of India.
Chairman, Tariff Commission.
Chairman, Central Water and Power Commission.
Vice-Chairman of the Indian Council of Agricultural Research.
Financial Adviser, Ministry of Finance (Defence).
P.S.Os. of the Armed Forces of the rank of Major-General or equivalent rank.
Visiting Class III Ambassadors and High Commissioners of India.
Political Officer in Sikkim.
Director, Intelligence Bureau.
Speakers of Legislative Assemblies in Union Territories outside their respective territories.

Ministers of Union Territories outside their respective territories.

Chairman, Posts and Telegraphs Board.

34. Chairman of the Public Service Commission of a State.
Chief Secretaries to State Governments.
Financial Commissioners.
Members of the Union Public Service Commission.
Flag Officer Commanding, Indian Fleet.
Members of a Board of Revenue.

35. Director-General, Health Services.
General Managers of Railways.
Establishment Officer to the Government of India.
Joint Secretaries to the Government of India (including Joint Secretary to the Cabinet).
Visiting Class IV Ambassadors and High Commissioners of India.
Officers of the rank of Major-General or equivalent rank.
Surveyor-General.
Members of the Tariff Commission.
Inspectors-General of Police in States.
Commissioners of Divisions.
Director-General of Civil Aviation.
Director-General of Supplies and Disposals.
Director-General of Ordnance Factories.
Indian Navy Commodores-in-Charge, Naval Ports or Areas.
Commanders of Indian Air Force Commands of the rank of Air Commodore.
P.S.Os. of Naval and Air Headquarters of the ranks of Commodore and Air Commodore.
Chief Commissioners of Union Territories not having Council of Ministers, outside their respective charges.
Director-General, All India Radio.
Military Secretary to the President.
Counsellors of Foreign and Commonwealth Missions in India.
Deputy Comptroller and Auditor-General.
Members, Posts & Telegraphs Board.

NOTE 1.—The order in this Table of Precedence is meant for state and ceremonial occasions and may not be strictly followed on more informal occasions.

NOTE 2.—Officers in the Table of Precedence will take rank in order of the numbers of the entries, those included in one number will take precedence *inter se* according to the date of entry into that number.

NOTE 3.—This Table will not affect the precedence enjoyed by Rulers, etc., within former Indian States by virtue of local usage and custom; nor will it affect the local precedence *inter se* of Rulers as in force immediately before 15th August 1947.

NOTE 4.—Rulers with a higher gun salute will take precedence over Rulers with a lower gun salute. Rulers with the same salute will take precedence *inter se* according to date of succession.

*NOTE 5.—Whether a Visiting Class I Ambassador or Class I High Commissioner of India should be placed in Article 20 or Article 31 will be decided by the Ministry of External Affairs having regard to the seniority of the particular person.

NOTE 6.—The Chairmen of State Legislative Councils will rank above the Speakers of Legislative Assemblies in cases where they were elected on the same date.

NOTE 7.—When Members of Parliament are invited *en bloc* to major state functions, the enclosure reserved for them should be next to the Governors, Chief Justice, Speaker of the Lok Sabha, Ambassadors etc.

NOTE 8.—Members of State Legislatures who owing to their presence in Delhi happen to be invited to state functions should be assigned rank just after Members of Parliament.

NOTE 9.—For the purpose of the Table of Precedence, the Chief Commissioner of Delhi will rank in Article 31 along with Secretaries to the Government of India at state functions held in New Delhi and the Red Fort.

NOTE 10.—Should a P.S.O. hold the rank of Lieutenant-General, his seniority in the Table of Precedence will continue to remain the same as laid down for officers of the rank of Lieutenant-General or equivalent rank in Article 32 of the Table.

NOTE 11.—Chief Secretaries to State Governments will take precedence over Members of a Board of Revenue irrespective of the date of their entry into Article 34.

NOTE 12.—Major-Generals, irrespective of their date of entry into Article 35, will rank above Indian Navy Commodores-in-Charge and Indian Air Force Commodores.

NOTE 13.—Speakers of Legislative Assemblies in Union Territories, irrespective of their date of entry into Article 27 and Article 33, will take precedence over Ministers of Union Territories.

S. DUTT, Secy. to the President.

New Delhi, the 3rd September 1963.

No. 69-Pres./63.—The President is pleased to award the President's Police and Fire Services Medal for gallantry to the undermentioned officer of the Madras Police :—

Name and rank of the officer

SHRI SOLAMALAI ALAGU THEVAR,
Police Constable No. 483,
Madurai North District,
Madras

(Deceased)

Statement of services for which the decoration has been awarded.

At about 3.00 a.m. on the 15th March, 1962, Police Constable Solamalai Alagu Thevar received information that K. D. Chinnathurai alias Ramasamy alias Soothayan and others wanted in a criminal case were in the house of Chinna Thevar in Kalliamankoil Street, Uthamapuram, and proceeded immediately with his informant in order to arrest them. *En route* they met Head Constable 391 who was returning from night patrol and who joined them. Constable Thevar had a lathi while the Head Constable was unarmed.

On arriving at the house it was decided that the Head Constable should station himself at the back of the house to prevent any escape from the rear. Constable Thevar and the informant entered the house from the front. As they did so three persons rushed out. Chinnathurai was found sitting close to the *pial* in a roofed shed. Constable Thevar told him he was under arrest being concerned in a robbery case and ordered him to accompany him to the police station. Chinnathurai questioned why he should go to the police station and then suddenly stabbed the Constable on the inside of his left thigh with a dagger which he drew from his waist-band. Constable Thevar shouted to the Head Constable for help and gallantly continued his efforts to apprehend the criminal who now stood up and stabbed him in the abdomen and on the hip. The informant intervened to help the Constable and was also stabbed twice on his forearm but managed to snatch the dagger from Chinnathurai. By this time the Head Constable came into the house and seeing him the criminal broke loose and escaped through the side lane after scaling the rear wall. Constable Thevar who was unconscious from loss of blood was removed to hospital but succumbed to his injuries shortly after admission.

Police Constable Solamalai Alagu Thevar showed great courage in trying to apprehend a dangerous criminal even after being grievously wounded and gave his life in the performance of his duty.

2. This award is made for gallantry under rule 4(i) of the rules governing the award of the President's Police and Fire Services Medal and consequently carries with it the special allowance admissible to officers of and below the rank of Inspector of Police as provided in rule 5, with effect from the 15th March, 1962.

No. 70-Pres./63.—The President is pleased to award the Police Medal for gallantry to the undermentioned officer of the Madhya Pradesh Police :—

Name and rank of the officer

SHRI SHEOLAL,
Head Constable No. 459,
P. S. Bina, Sagar District,
Madhya Pradesh.

(Deceased)

Statement of services for which the decoration has been awarded.

Late in the evening of 16th April, 1963 Sub-Inspector R. N. Bajpai, Station Officer, Bina, District Sagar, Madhya Pradesh, received information about the presence of dacoit Panna Kori in village Patkui. Sub-Inspector Bajpai along with Head Constable Sheolal and a small party of the Special Armed Force immediately proceeded to the village which is about 12 miles from the police station.

The Party reached Patkui at about 2300 hours and surrounded the village. For about an hour Bhajans continued inside a temple in the village. As it was not known whether Panna Kori was in the Bhajan party, Head Constable Sheolal volunteered to go up to the temple to find out. He went forward boldly, mixed with the villagers and brought out the informer who confirmed that Panna was in the group.

When the Bhajan ended, Panna climbed to the roof of the temple from where he addressed the villagers. Meanwhile Sub-Inspector Bajpai, Head Constable Sheolal and Head Constable Bhagirth of the Special Armed Force crawled forward in the dark and took up position behind the temple,

At about 0040 hours the dacoit began to move away, probably because he had scented some trouble. The three police officers followed him. Head Constable Sheolal could have shot the dacoit dead but refrained from doing so, as he was determined to capture him alive and also to ensure that the villagers around were not injured. The Head Constable moved up cautiously and threw himself on the dacoit, but the dacoit turned round and shot the Head Constable at point blank range.

As there was a crowd around, the two other police officers could not open fire, but when the people dispersed and the dacoit tried to fire on the two other police officers Head Constable Bhagirath and Sub-Inspector Bajpai opened fire and shot him dead. The two police officers then ran to the help of their comrade, but they found that Head Constable Sheolal had died.

Head Constable Sheolal acted with courage and devotion to duty in trying to apprehend a notorious dacoit alive. Throughout the action he displayed courage of a high order and although he could have used his weapon, he refrained from doing so in order to capture the dacoit alive, and to avoid risking the lives of others.

2. This award is made for gallantry under rule 4(i) of the rules governing the award of the Police Medal and consequently carries with it the special allowance admissible to officers of and below the rank of Inspector of Police as provided in rule 5, with effect from the 16th April 1963.

S. DUTT, Secy. to the President.

MINISTRY OF HEALTH

SUBJECT:—Constitution of a Committee on Price Fixation.

No. F. 12-69/63-D.—The question of reasonableness of prices of certain essential drugs and their formulations has been engaging the attention of the Government. In order to examine this question the President is pleased to constitute the following Committee with immediate effect:

Chairman

1. Shri Gian Prakash, Joint Secretary, Ministry of Health.

Members

2. Shri G. Mukherji, Joint Secretary, Ministry of Home Affairs.
3. Dr. Seshagiri Rao, Planning Commission.
4. Dr. G. S. Kasbekar, Managing Director, Hindustan Antibiotics
5. Shri N. Chidambaram, Deputy Secretary, Ministry of Industry.
6. Dr. B. Shah, Development Officer, Department of Technical Development, M/O Economic & Defence Co-ordination.
7. Shri P. K. Ganapati, Financial Adviser, to the Hindustan Antibiotics.

Member Secretary

8. Shri S. K. Borkar, Drugs Controller, India.

The terms of reference of the Committee will be as follows:—

- (a) to examine immediately the reasonableness of the price at which they are available to consumers of the following drugs having regard to minimum costs of production and other factors and to furnish thereon their findings at the earliest.

- (i) INH
- (ii) PAS
- (iii) Sulphadiazine
- (iv) Tetracycline
- (v) Vitamin B 12
- (vi) Acetyl Salicylic Acid
- (vii) Prednisolone
- (viii) Telbutamide
- (ix) Chloro amphenicol

- (b) to examine in like manner the reasonableness of the prices of such other essential drugs as the Government consider necessary, subsequently.

3. These arrangements shall come into force with effect from the date of issue of this Resolution.

ORDER

Ordered that a copy of this Resolution be communicated to all the State Governments/Administrations.

Ordered also that the Resolution be published in the Gazette of India for general information.

R. K. RAMADHYANI, Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

ADDENDUM

New Delhi, the 4th September 1963

No. 5(3)/63-SRI.—The Government of India in their Resolution No. 5(3)/63-SRI, dated the 28th August 1963,

appointed a Committee to review the working of the National Research Development Corporation and to recommend measures for its improvement. It has now been decided to appoint Dr. H. A. B. Parpia, Chief Defence Coordinator, Council of Scientific and Industrial Research, to be an additional member of the Committee.

It has also been decided to appoint Dr. A. N. Kapur, Executive Director, National Research Development Corporation, as the Secretary of the Committee.

ORDER

Ordered that this be communicated to all concerned.

Ordered that this be published in the Gazette of India for general information.

CORRIGENDUM

Dated 6th September 1963

No. 5(3)/63-SRI.—In partial modification of addendum No. 5(3)/63-SRI dated the 4th September 1963 to this Ministry's Resolution No. 5(3)/63-SRI, dated the 28th August 1963, it has been decided that Shri Baldev Singh, Industrial Liaison and Extension Officer, Council of Scientific and Industrial Research, will be the Secretary of the Committee appointed to review the working of the National Research Development Corporation and to recommend measures for its improvement.

ORDER

Ordered that this be communicated to all concerned.

Ordered that this be published in the Gazette of India for general information.

M. M. MALHOTRA, Dy. Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

Department of Transport

(Transport Wing)

RESOLUTION

New Delhi, the 19th August 1963

No. 55-MA(2)/62-I.—In continuation of the Ministry of Transport & Communications, Department of Transport Resolution No. 55-MA(34)/59-III, dated the 10th February 1961, the Government of India have further decided to include one non-official member on the Deck Passenger Welfare Committee, Madras.

ORDER

Ordered that a copy of this Resolution be communicated to the Private and Military Secretaries to the President, the Prime Minister's Secretariat, the Cabinet Secretariat, Lok Sabha secy. (with 10 spare copies including 5 copies for Committee Branch), the Planning Commission, all Ministries of the Government of India, all State Governments, the Chairman, Calcutta Port Commissioners, Calcutta, the Chairman, Bombay Port Trust, Bombay, the Chairman, Madras Port Trust, Madras, the Indian National Steamship Owners' Association, Scindia House, Ballard Estate, Bombay, the Director General of Shipping, Commerce House, Ballard Estate, Fort, Bombay (with 100 spare copies for distribution to the Shipping Companies in India and the members of the National Harbour Board), the Chairman and the Members of the Deck Passenger Welfare Committee, Bombay, Calcutta and Madras.

Ordered also that the Resolution be published in the Gazette of India for general information.

NAGENDRA SINGH, Addl. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th September 1963

No. 28/47/62/LRIV.—The following decision of the Industrial Tribunal, Calcutta, in respect of the matter referred to it under section 36A of the Industrial Disputes Act, 1947 (14 of 1947) by the Order of the Government of India in the Ministry of Labour and Employment No. S. O. 3187, dated 12th October 1962 is hereby published for general information.

(Decision)

G. JAGANNATHAN, Under Secy.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 41 OF 1962.

Parties :

Employers in relation to the Commissioners for the port of Calcutta

and

Their workmen.

Present :

Shri L. P. Dave—Presiding Officer.

Appearances :

On behalf of Employers—Shri G. V. Karlekar.

On behalf of Workmen—Shri M. Chatterjee, Shri J. Mukherjee and Shri P. K. Dutta.

State :

West Bengal.

Industry :

Port

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 28/47/62-LRIV dated the 12th October 1962, have referred the following questions for decision to this Tribunal :—

- (1) Which specific categories of shore workers should be eligible for the grant of dust allowance in terms of the Award of the Central Government Industrial Tribunal at Calcutta in Reference No. 8 of 1958;
- (2) Whether individual workers of the eligible categories will be entitled to the dust allowance only if they are physically present at the work spot or only when they are so present and are actually engaged in handling the dusty cargoes, viz., coal, cement, ores and sulphur.

2. The facts leading to the present reference are as under :

A dispute arose between the commissioners for the port of Calcutta and their workmen regarding grant of dust allowance to shore workers employed by the Calcutta Port Commissioners who were handling coal, ores, cement and sulphur and the Government, by their Order No. LRIB/28-(19)/58 dated the 17th July 1958, referred the said industrial dispute for adjudication to the industrial Tribunal, Calcutta, who gave its award on 29th November 1958. The employers went in appeal against this award to the Supreme Court who dismissed the appeal. The Port Commissioners thereafter are giving dust allowance to the manual labourers who load and unload coal, ores, cement and sulphur and to the Sirdars of the gangs of workers who do this kind of work. Disputes arose between the Port Commissioners and the Unions on the questions as to whether any other categories were entitled to this allowance and as to when the allowance was payable. The Unions claimed that the allowance should also be paid to certain other categories of workmen, who had to suffer the nuisance of dust while doing their work. The Port Commissioners did not agree with this. There was also a dispute as to whether the allowance became payable only when the workman concerned was actually engaged in handling the cargo, or whether he would get it even if he did not handle the cargo, provided he was present at the work spot. Difficulties having thus arisen about the interpretation of the provisions of the above award, the Government referred the above questions for decision to this Tribunal under section 36A of the Industrial Disputes Act.

3. At the outset, I may mention that the present inquiry is under section 36A of the Industrial Disputes Act and is not a regular reference under section 10. The scope of an inquiry under 36A is limited. Under that section, the Government can refer a question to a Tribunal for decision if in its opinion any difficulty or doubt has arisen about interpretation of any provisions of an award or settlement. In deciding a matter under section 36A, the only thing that the Tribunal has got to do is to consider and decide any difficulty arising from use of words which may be ambiguous or obscure. The Tribunal has no power to consider the propriety, correctness or validity of any provisions of an award nor would it have any power to review or modify them, even on basis of evidence which may be adduced before it. For instance, if under the terms of award under consideration, a particular category of workmen is not entitled to dust allowance, this Tribunal cannot now award it in this proceedings, even though it may feel that on merits that category of workmen should get that allowance. Similarly, this Tribunal cannot also consider whether any category of workmen who may be held entitled to dust allowance under the terms of the original award, should get the same allowance or more or less. This Tribunal can only consider as to which of the categories of shore workers would be eligible to grant of dust allowance in terms of the above award.

4. The unions have given a list of different categories, who, according to them, are entitled to the above dust allowance. Admittedly, none of these categories of workers handles any of the dusty cargoes as such. The unions' case is that different categories of workers are exposed to dust from the dusty cargoes in the process of handling by the manual workers because these categories of workers have to work in surroundings where they are exposed to the dust. They urge that though these categories may not directly be handling cargoes, they would still be said to be handling or attending to the cargoes on different grounds. Some of them are operating cranes which carry the cargoes; some of them are operating fork lifts, pay loaders, tractors, Diesel Locomotives etc. which are all used in handling cargoes. A claim has also been made for the allowance for different kinds of clerks; for instance, there is a claim for tally clerks who have to be in attendance near the dusty cargoes throughout the day

while it is being loaded or unloaded. There is also a claim made for Shed-clerks, forwarding clerks etc., most of whom work in an office situated at one end of the sheds. Some categories of workers have to look after different sheds and may have occasion once in a while to go to the place where dusty cargoes are being loaded or unloaded. Claim has been made for all these categories of workers being entitled to dust allowance.

5. It was urged on behalf of the employers that the above award applies only to those workers who were manually handling cargoes in loading or unloading dusty cargoes and only those persons would be entitled to the dust allowance under that award. On the other hand, the Unions urge that the award in the previous case did not apply only to manual workers who were handling dusty cargoes but to all shore workers who were doing so.

6. The term 'shore workers' has not been defined anywhere. Looking to its grammatical meaning, any one who works on shore could be said to be a shore worker. It, however, appears that by long usage, the term is generally used for manual labourers working on the shore.

7. In 1954 the Central Government had made a reference to the Industrial Tribunal, Bombay, in respect of several matters in dispute between the Bombay Port Trust, the Bombay Dock Labour Board and the stevedore employers and contractors on the one hand and the workmen of the Port of Bombay on the other. The first matter which was referred to was regarding shore workers, stevedore workers, crane-man and tally clerks. Another matter referred to shore workers. The Industrial Tribunal gave its award on 30th May 1955. In considering the question of shore workers, it considered the case only of manual labourers working on the shore. The matter went in appeal before the Labour Appellate Tribunal. That Tribunal also held that though the term shore workers in its wide amplitude would include all workers who work on the shore, it appeared from the order of the Government that it wanted to use the term in a restricted sense and did not intend to include all workers working on the shore.

8. It then appears that in 1956 an enquiry was entrusted to Shri P. C. Chaudhuri regarding disparities and anomalies in the pay scales and allowances of class III and class IV employees of major ports and he was directed to submit proposals for rationalisation. He submitted his report in 1957. His report also shows that he used the word shore workers as meaning manual labourers working on the shore and doing manual work of loading and unloading cargoes.

9. It is true that neither the decision of the Bombay Tribunal nor the report of Shri Chaudhuri would mean that the term shore workers only means manual workers. I am referring to them only to show that the term shore workers is popularly understood to mean manual labour. It also appears to me that the Calcutta Tribunal in the present case accepted the term in that meaning and gave its award on that basis.

10. From the original award which is now to be interpreted by me, I find that the labour unions made a demand for dust allowance on the ground that the shore labour handling cargoes of coal, ores, cement and sulphur have to suffer from extra fatigue, hardship and inhale such dust while handling such cargoes and handling such cargoes was dirty and hazardous. It was then contended that shore labour was very much susceptible to tuberculosis and other diseases because of handling of those cargoes and the period of working capacity and ability of shore labour shortened to the minimum because of the handling of these cargoes. The unions also contended that there were instances of accidents and hazards and loss of life in handling such cargoes. The unions further contended that in fixing the pay structure of the shore labour in handling such dirty and hazardous cargoes, no consideration of factors of extra fatigue, hardship and susceptibility to diseases had been made. The unions therefore demanded that the shore labour should be paid 20 per cent extra by way of allowance for handling such cargoes.

11. It would be obvious that only manual workers who actually load and unload the cargoes would suffer from extra fatigue and hardship because of the dusty and hazardous cargoes. Other categories of workers, for example, those who work different kinds of machines for carrying cargoes from one place to another or supervise the work would not suffer any extra fatigue or hardship though they may inhale dust. Again, inhalation of such dust would be different in cases of different categories. For instance, a tally clerk who has to be present for the whole day just near the place where dusty cargo is loaded and unloaded would inhale more dust than another person who may be visiting the place once in a while.

12. The Tribunal considered all the above contentions and held that the shore workers who attended to or handled dusty cargoes mentioned in the order of reference (namely, coal, ores, cement and sulphur) should get special allowance of 29 nP. per shift or part thereof or Rs. 7.50 for the whole month as dust allowance.

13. Reading the award, it appears that the Tribunal was all along considering the case of manual workers only. There are different remarks at different places which show this. At one place, the Tribunal has observed that some documents were put in by the parties showing the percentage of dock workers in general and the coal workers suffering from tuberculoses and disablements resulting in early retirements or incapacity to do any arduous work. At another place, it has been observed that "we are not called upon to decide the wage structure of the dock workers in general but to fix a special allowance if possible for handling dusty cargoes". The Tribunal also considered the question of accidents which were caused by pieces of coal falling down from baskets etc. Then a further important fact which may be considered is that the Tribunal in deciding the amount of dust allowance was guided by the fact that the component of basic wage in the piece rate of the shore workers in the Bombay Port was Rs. 7.50 higher than that of the shore workers in the Calcutta Port and hence he observed that shore workers who handled dusty cargoes may legitimately claim that amount as a special allowance. In other words, he was considering the case of the manual workers only. He was guided by the piece rates of the manual workers of the Bombay Port and he held that the same kind of workers in Calcutta Port should get Rs. 7.50 as dust allowance.

14. If the Tribunal was considering the case of all kinds of shore workers, it would, I think, have considered the case of different categories to see as to how far they were exposed to dust. It would have first considered whether a particular category was exposed to dust or not and it would then have considered as to how far that category was so exposed and would then have considered as to whether the same rate or a lower or higher rate should be given to different workers. The fact that it award a flat rate of Rs. 7.50 for all workers on the ground that the rates of manual workers in Bombay Port were higher by that much amount, would also show that the Tribunal was considering the case only of manual workers. The observations in the course of the award also show this. The demands of the workers in that case also show that their demand was only for manual workers.

15. Reliance was placed on behalf of the workmen on the case of "Jeewan Lal (1929) Limited and its workmen", 1961 I LLJ 517 and it was argued that when an award does not explain a particular expression and when statutory definitions contained in other Acts are of no material assistance, it would be necessary to examine the question on principle and decide what the expression should mean in any given award. It was argued from this that as the term shore workers was not defined by the Tribunal in the present case and as there is no definition of this term in any Act or otherwise, this Tribunal should examine this term on principle and decide it as meaning all persons who work on the shore.

16. This ruling, in my opinion, is not applicable to the facts of the present case. What I have to consider is as to which categories of shore workers the above award applies and in doing so I have to interpret that award. I have got to consider as to which categories were meant to be covered by the Tribunal in that case and from the award itself and from the surrounding circumstances, I have no doubt in my mind that what the Tribunal considered and decided was that manual labour handling dusty cargoes was entitled to dust allowance. It would not be open to me to consider the meaning of shore workers in general for holding that all shore workers are entitled to get the advantage of the above award, if the Tribunal giving the above award did not intend to do so.

17. On the whole, after having given my anxious consideration to the facts of the case, I think that so far as the present enquiry is concerned, none of the categories for which dust allowance is now claimed could be held to dust allowance under the terms of the above award. I must mention that I do feel that there is some case for some of the categories of workmen for which a dust allowance is being claimed, but I have no jurisdiction to go into the merits in this inquiry which is one under section 36A. The workmen, if they so think fit, may move the Government to make a fresh reference under section 10 of the Industrial Disputes Act when the matter would be gone into on merits.

18. The second point that is referred to me is as to whether individual workers of eligible categories would be entitled to dust allowance only if they are physically present at the work spot or only when they are so present and are also actually engaged in handling the dusty cargoes. I am told that this question has arisen because some times when workers in the coal docks report for duty, they have to wait there for some time before they are told on some days that there is no work for them. In such a case, they do get the fall-back wages for the day. The unions however urge that they should also get dust allowance for that day because they would be suffering the nuisance of the dust as they would have to wait for some time before they are told that there is no work for them. In my opinion, the dust allowance has been awarded by the Tribunal only in case of workers who are actually engaged in handling the dusty cargoes and a person who is only physically present at the work spot would not be entitled to such an allowance merely by such

presence. It is only when a worker is engaged in handling dusty cargoes that he would suffer extra fatigue and hardship. Regarding inhalation of dust, he may inhale it; but that would be comparatively negligible. He would not be waiting in the heart of the place where work is going on but at some distance. Again, he would be waiting there for only an hour or two and not for the whole day. To hold that even that person should get the full dust allowance for the day would be anomalous. I have no jurisdiction in this inquiry to award a dust allowance at a different rate. I have only to consider whether a particular category of workmen is entitled to dust allowance for a particular day or not. In my opinion, the award of the Tribunal shows that the dust allowance was awarded for workers who actually engage themselves in handling the dusty cargoes and not merely to workers who are physically present there.

I pass my award accordingly.

L. P. DAVE, Presiding Officer.

राष्ट्रपति सचिवालय

प्रशिक्षण

दिनांक नई दिल्ली, 3 सितम्बर, 1963

सं० 69-प्रेषा।63—राष्ट्रपति मद्रास पुलिस के निम्नांकित अधिकारी को उसकी वीरता के लिये राष्ट्रपति का पुलिस तथा अग्निशमन सेवा पदक प्रदान करते हैं :—

अधिकारी का नाम तथा पद

श्री सोलामलाई अलगु थेवर

पुलिस कांस्टेबल 483,

मदुराई उत्तरीय जिला,

मद्रास 1 (स्वर्गीय)

सेवाओं का विवरण जिनके लिये पदक प्रदान किया गया

15 मार्च, 1962 को प्रातःकाल लगभग 3.00 बजे यह सूचना पाकर कि के० डी० चिन्नथुराय उर्फ रामास्वामी उर्फ सूथायन तथा अन्य व्यक्ति, जिनकी एक अपराध के सम्बन्ध में तलाश की जा रही थी उत्थमापुरम् की कलियमनकोइल गली में चिन्ना थेवर के मकान में थे, पुलिस कांस्टेबल सोलामलाई अलगु थेवर अपने सन्देशवाहक के साथ अपराधियों को गिरफ्तार करने के लिये तुरन्त उस स्थान को चल पड़े। मार्ग में उन्हें हेड कांस्टेबल 391 जो रात्रि की गश्त से लौट रहा था मिला और उनके साथ हो लिया। कांस्टेबल थेवर के पास एक लाठी थी जबकि हेड कांस्टेबल के पास कोई हथियार नहीं था।

कांस्टेबल थेवर तथा सन्देशवाहक ने सामने से मकान में प्रवेश किया। जैसे ही उन्होंने ऐसा किया, तीन व्यक्ति बाहर की ओर भागे। चिन्नथुराय एक छतदार खोद में प्याल के समीप बैठा हुआ मिला। कांस्टेबल थेवर ने उसे बताया कि डकैती के एक मामले के सम्बन्ध में उसे गिरफ्तार कर लिया गया है तथा उसे आदेश दिया कि वह उनके साथ थाने को चले। चिन्नथुराय ने पूछा कि वह थाने क्यों जाय और यकायक अपनी कमरबन्द से छुरा निकाल कर उसने कांस्टेबल की बाईं जाँघ के अन्दर घोंप दिया। कांस्टेबल थेवर ने हेड कांस्टेबल को सहायता के लिये पुकारा तथा उस अपराधी को पकड़ने के प्रयत्नों में वीरतापूर्वक लगा रहा जो अब खड़ा हो गया था और जिसने कांस्टेबल के पेट में तथा नितम्ब पर छुरा मारा। सन्देशवाहक ने कांस्टेबल को सहायता पहुंचाने के लिए हस्तक्षेप किया और उसको भुजा के अगले भाग में दो बार छुरा लगा परन्तु वह चिन्नथुराय से छुरा छीनने में सफल हुआ। इस समय तक हेड कांस्टेबल घर में पहुंच गया था जिसे देखते ही अपराधी भाग निकला तथा बराबर वाली गली से और पिछली बीवार को फांदते हुए बच निकला। कांस्टेबल थेवर को, जो रक्त की कमी के कारण अचेत हो गया था अस्पताल पहुंचाया गया परन्तु घावों के कारण अस्पताल में प्रविष्ट होने के थोड़े समय पश्चात् ही उनकी मृत्यु हो गयी।

बुरी तरह आहत होने पर भी पुलिस कान्स्टेबल सोलामलाई असलू धेबर ने भयंकर अपराधी को पकड़ने के प्रयत्न में उच्च कोटि के साहस का परिचय दिया तथा अपने कर्तव्य पासन में उन्होंने अपने जीवन को भी अर्पण कर दिया।

2. यह पदक राष्ट्रपति पुलिस तथा अग्निशमन सेवा पदक नियमावली के नियम 4(1) के अन्तर्गत वीरता के लिये दिया जा रहा है तथा पुरस्कृत अधिकारी 15-3-1962 से विशेष भत्ते का अधिकारी होगा, यदि नियम 5 के अनुसार उसका पद पुलिस इन्स्पेक्टर अथवा उसके पद से नीचे होगा।

दिनांक नई दिल्ली 3 सितम्बर, 1963

सं० 70-प्रेषा 163—राष्ट्रपति मध्य प्रदेश पुलिस के निम्नांकित अधिकारी को उसकी वीरता के लिये पुलिस पदक प्रदान करते हैं :—

अधिकारी का नाम तथा पद

श्री शिवलाल, हैड कान्स्टेबल नं० 459,

पो० एस० बीना, जिला सागर,

मध्य प्रदेश (स्वर्गीय)।

सेवाओं का विवरण जिनके लिए पदक प्रदान दिया गया

16 अप्रैल, 1963 की सायंकाल मध्य प्रदेश के सागर जिलान्तर्गत बीना थाने के उप-निरीक्षक श्री आर० एन० बाजपेयी थाना अधिकारी को पटकई ग्राम में डाकू पन्ना कोरी की उपस्थिति की सूचना प्राप्त हुई। उप-निरीक्षक बाजपेयी हैड कान्स्टेबल शिवलाल तथा एक छोटे विशेष सशस्त्र बस्ते के साथ तुरन्त ही उस ग्राम की ओर चल पड़े, जो कि पुलिस स्टेशन से लगभग 12 मील दूर है।

दल पटकई ग्राम में रात्रि के लगभग ग्यारह बजे पहुँचा तथा उसने ग्राम को घेर लिया। ग्राम के एक मन्दिर के भीतर लगभग एक घंटे तक भजन होते रहे। यह ज्ञात नहीं था कि पन्ना कोरी भजन मण्डली में है या नहीं। हैड कान्स्टेबल शिवलाल ने यह पता लगाने के लिये मन्दिर तक जाने के लिये स्वयं को अर्पित किया। वह साहसपूर्वक आगे बढ़ा, ग्रामवासियों में मिल-जुल गया तथा सन्देश-वाहक को बाहर ले आया, जिसने इस बात की पुष्टि की कि पन्ना उस मंडली में उपस्थित था।

जब भजन समाप्त हुआ पन्ना मन्दिर की छत पर चढ़ गया जहाँ से कि उसने ग्रामीणों को सम्बोधित किया।

इसी बीच उप-निरीक्षक बाजपेयी, हैड कान्स्टेबल शिवलाल तथा विशेष सशस्त्र दल के हैड कान्स्टेबल भागीरथ ने अन्वेष में आगे बढ़ कर मन्दिर के पीछे स्थान लिया।

लगभग 12 बजकर 40 मिनट पर डाकू ने खिसकना आरम्भ किया, सम्भवतः उसे संकट का कुछ आभास हो गया था। तीनों पुलिस अधिकारियों ने उसका पीछा किया। हैड कान्स्टेबल शिवलाल डाकू को गोली से मार सकता था, परन्तु ऐसा करने से उसने स्वयं को रोका, क्योंकि उसने डाकू को जीवित पकड़ने तथा ग्रामीणों को चोट न आने देने का निश्चय किया था। हैड कान्स्टेबल सतर्कतापूर्वक आगे बढ़ा और डाकू पर झपटा परन्तु डाकू ने पीछे मुड़कर बिल्कुल सीधे हैड कान्स्टेबल पर गोली चला दी।

क्योंकि चारों ओर भीड़ थी, इसलिये अन्य दो पुलिस अधिकारी गोली नहीं चला सके, परन्तु जब लोग लित्तर-बित्तर हो गये तथा डाकू ने अन्य दो पुलिस अधिकारियों पर गोली चलाने का प्रयत्न किया, तो हैड कान्स्टेबल भागीरथ तथा उप-निरीक्षक बाजपेयी ने गोली चलाई और उसे मार दिया। दो पुलिस अधिकारी अपने साथी की सहायता के लिये दौड़े परन्तु उन्होंने हैड कान्स्टेबल शिवलाल को मरा हुआ पाया।

हैड कान्स्टेबल शिवलाल ने कुख्यात डाकू को जीवित पकड़ने का प्रयत्न करते हुए कर्तव्यपरायणता तथा साहस से काम लिया। इस सारी कार्यवाही में उसने उच्चस्तर के साहस का प्रदर्शन किया और यद्यपि वह शस्त्रों का प्रयोग कर सकता था तथापि उस डाकू

को जीवित ही पकड़ने और दूसरों के जीवन को खतरे से बचाने के लिये ही उसने उनका उपयोग नहीं किया।

2. यह पदक पुलिस पदक नियमावली के नियम 4(1) के अन्तर्गत वीरता के लिये दिया जा रहा है और पुरस्कृत अधिकारी 16-4-63 से विशेष भत्ते का अधिकारी होगा, यदि नियम 5 के अनुसार उसका पद पुलिस इन्स्पेक्टर अथवा उससे नीचा होगा।

सुबिमल दत्त,

राष्ट्रपति का सचिव

गृह मंत्रालय

नई दिल्ली-11, दिनांक 24 अगस्त, 1963।

2 भद्रा, 1885।

अध्यादेश

इस मन्त्रालय के अध्यादेश संख्या 6/5/62 SCT. III (B), दिनांक 16-8-1963 में नामांकित किये गये सदस्यों के साथ-साथ भारत सरकार द्वारा श्री डेविड मुन्जनी, संसद् सदस्य को 28 जनवरी, 1963 से दो वर्ष की अवधि के लिए आदिम जातियों के कल्याण के लिए स्थापित किये गये केन्द्रीय सलाहकार बोर्ड के सदस्य के रूप में नामांकित किया जाता है।

आदेश :—आदेश किया जाता है कि उपरोक्त अध्यादेश भारतीय राजपत्र में आम जानकारी के लिये प्रकाशित किया जाय।

नई दिल्ली-11, दिनांक 16 अगस्त, 1963

भारत सरकार, गृह मन्त्रालय के अध्यादेश संख्या 19/118/55-Pub. II, दिनांक 3 सितम्बर, 1956 जो कि भारतीय राजपत्र दिनांक 8 सितम्बर, 1956 में प्रकाशित हुआ था, (तथा जो अध्यादेश संख्या 13/10/58 SCT. III, दिनांक 9 मार्च, 1959 द्वारा संशोधित किया जा चुका है) के पैराग्राफ 2 के अनुसार भारत सरकार ने आदिम जातियों के कल्याण के लिए केन्द्रीय सलाहकार बोर्ड की स्थापना की है तथा निम्नलिखित व्यक्तियों को 28 जनवरी, 1963 से दो वर्ष की अवधि के लिये सदस्य के रूप में नामांकित किया है :—

1. श्री महेश धरण, संसद् सदस्य, बिहार।
2. श्रीमती अक्कम्मा देवी, संसद् सदस्य, मद्रास।
3. श्री एस० हंसद संसद् सदस्य, पश्चिम बंगाल।
4. श्री एन० एम० वादिवा, संसद् सदस्य, मध्य प्रदेश।
5. श्री महेश्वर नायक, संसद् सदस्य, उड़ीसा।
6. श्री कृष्ण कार्दशिग, संसद् सदस्य, मणिपुर।
7. श्री हेमराज, संसद् सदस्य, पंजाब।
8. श्री डी० बसुमतारी, संसद् सदस्य, असम।
9. श्री डी० जे० नायक, संसद् सदस्य, गुजरात।
10. श्री एस० सी० बेसरा, संसद् सदस्य, बिहार।
11. श्री जी० एन० हज्रिका, संसद् सदस्य, असम।
12. ठाकुर भानु प्रताप सिंह, संसद् सदस्य, मध्य प्रदेश।
13. श्री माणिक्य लाल वर्मा, संसद् सदस्य, राजस्थान।
14. श्री वी० सी० केशवराव, संसद् सदस्य, आन्ध्र प्रदेश।
15. श्रीमती जमुना देवी, संसद् सदस्य, मध्य प्रदेश।
16. डा० वेरियर ऐल्विन, शिलांग।
17. आचार्य एस० आर० भिसे, महाराष्ट्र।
18. श्री गोपाल जी रूलाभाई, दिल्ली।
19. श्री ए० के० मोफ़ारे, महाराष्ट्र।
20. श्री वाई० एस० पारमार, हिमाचल प्रदेश।
21. श्रीमती मालती चौधरी, उड़ीसा।
22. श्री वी० ईचरन, केरल।
23. डा० पी० सी० बिस्वास, दिल्ली विश्वविद्यालय।

आदेश :—आदेश दिया जाता है कि उपरोक्त अध्यादेश भारतीय राजपत्र में प्रकाशित किया जाय।

अ० द० पाखे,

संयुक्त सचिव, भारत सरकार

